

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON
EUGENE DIVISION

J.M. et al.,

Plaintiffs,

Case No. 6:18-cv-00739-MO

v.

OPINION AND ORDER

KARLA MAJOR et al.,

Defendants.

MOSMAN, J.,

On January 23, 2023, Magistrate Judge Youlee Yim You issued her Findings and Recommendations (“F&R”) [ECF 339], recommending that this Court grant in part and deny in part Plaintiffs’ Renewed Motion for Leave to File a Revised Fourth Amended Complaint [ECF 315]. Plaintiffs filed objections [ECF 344], to which Defendants responded [ECF 347]. On January 30, 2023, I was assigned this matter. Upon review, I agree with Judge You. I GRANT IN PART and DENY IN PART Plaintiffs’ Renewed Motion for Leave to File a Revised Fourth Amended Complaint.

DISCUSSION

The magistrate judge makes only recommendations to the court, to which any party may file written objections. The court is not bound by the recommendations of the magistrate judge but retains responsibility for making the final determination. The court is generally required to make

a de novo determination regarding those portions of the report or specified findings or recommendation as to which an objection is made. 28 U.S.C. § 636(b)(1)(C). However, the court is not required to review, de novo or under any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the F&R to which no objections are addressed. *See Thomas v. Arn*, 474 U.S. 140, 149 (1985); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). While the level of scrutiny under which I am required to review the F&R depends on whether or not objections have been filed, in either case, I am free to accept, reject, or modify any part of the F&R. 28 U.S.C. § 636(b)(1)(C).

CONCLUSION

Upon review, I agree with Judge You's recommendation, and I ADOPT the F&R [ECF 339]. I DENY Plaintiffs' proposed amendments asserting a Vulnerable Persons Act claim against the Oregon Department of Justice and all related factual allegations or other material supporting that claim, and I GRANT Plaintiffs' other proposed amendments.

IT IS SO ORDERED.

DATED this 24th day of March, 2023.


MICHAEL W. MOSMAN
Senior United States District Judge